

Attorney Docket No: BERL025/01US

PATENT



## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### ACOUSTIC ABSORPTION POLYMERS AND THEIR METHODS OF USE

the specification of which:

[ ] is attached hereto.

[X] was filed on December 20, 2000, and identified as Attorney Docket No. BERL-025/01US.

[ ] was filed on \_\_\_\_\_, as Application Serial No. \_\_\_\_\_.

and

[ ] the amendment(s) of which were filed on .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)  
(Country) (Number) (Day/Month/Year Filed)

Priority Claimed (Yes/No)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/171,861  
(Application Number)

December 22, 1999  
(Filing Date)

(Application Number)

**(Filing Date)**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Appl. Ser. No.

Filing Date

**Status (Pat'd./Pend./Aband.)**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or first inventor:** Urry, Dan W.

Inventor's signature Dan W. Hwy Date 1/05/01

**Residence:** 2423 Vestaria Drive, Birmingham, Alabama 35216

Citizen of: United States of America

Post Office Address: Same as above.



Applicant or Patentee: Dan W. Urry  
Serial No.: 09/746,371 Patent No.:  
Filed: December 20, 2000 Issued:  
For: ACOUSTIC ABSORPTION POLYMERS AND THEIR METHODS OF USE

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 CFR SECTIONS 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Bioelastics Research, Ltd.  
Address of Small Business Concern: 2800 Milan Court, Suite 386  
Birmingham, AL 35211

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35, United States Code 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in

the specification filed herewith  
 the application identified above  
 the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would

not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:

Address:

Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature

Dan W. Urry

Date

January 5, 2001

Name of Person Signing

Dan W. Urry

Title of person other than owner

Bioelastics Research, Ltd.

Address of person signing

2800 Milan Court, Ste. 386

Birmingham, AL 35211

**ASSIGNMENT**

**Whereas,**

Dan W. Urry residing at 2423 Vestaria Drive, Birmingham, Alabama 35216;  
(hereinafter referred to individually and collectively as "Inventor") have made an  
invention relating to certain new and useful improvements in:

**ACOUSTIC ABSORPTION POLYMERS AND THEIR METHODS OF USE**

and executed therefor an Application for Letters Patent of the United States and

[ ] having an oath or declaration executed on even date herewith;  
[X] bearing Serial No. 09/746,371 and filed on December 20, 2000  
[ ] issued as a Patent No. \_\_\_\_ on

**Whereas**, Bioelastics Research, Ltd. (hereinafter "Assignee"), a limited partnership in Alabama, having a principal place of business at 2800 Milan Court, Suite 386, Birmingham, Alabama 35211-6912, is desirous of acquiring the entire right, title, and interest in and to said invention, said Applications, and the Letters Patent to be obtained therefor:

**Now, therefore**, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms "Application" and "Application for Letters Patent" as used herein include both provisional and non-provisional applications.

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other

information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

**Upon said consideration, Inventor conveys to Assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the United States application (or other application if any there be) in priority to other applications; and Inventor does hereby covenant and agree with Assignee that Inventor will not execute any writing or do any act whatsoever conflicting with these presents, and that Inventor will at any time upon request, without further or additional consideration, but at the expense of Assignee, execute such additional assignments and other writings and do such additional acts as Assignee may deem necessary or desirable to perfect Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuation, continuation-in-part, renewal, reexamined, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of both parties.**

Date: 1/05/01

By: Dan W. Urry  
Dan W. Urry